

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

HIGHER EDUCATION LOAN AUTHORITY  
OF THE STATE OF MISSOURI,

Plaintiff,

v.

WELLS FARGO BANK, N.A.; WACHOVIA  
BANK, N.A. n/k/a WELLS FARGO BANK,  
N.A.; and WACHOVIA SECURITIES, LLC  
n/k/a WELLS FARGO ADVISORS, LLC,

Defendants.

Case No. 4:10-CV-01230 (JAR)

WACHOVIA BANK, N.A. n/k/a WELLS  
FARGO BANK, N.A.; and WACHOVIA  
SECURITIES, LLC n/k/a WELLS FARGO  
ADVISORS, LLC,

Third-Party Plaintiffs,

v.

DEPFA BANK PLC,

Third-Party Defendant.

**THIRD-PARTY DEFENDANT DEPFA BANK PLC'S  
MOTION TO DISMISS THE THIRD-PARTY COMPLAINT**

Third-party defendant DEPFA BANK plc, by its counsel Harness Dickey & Pierce, PLC and Kasowitz, Benson, Torres & Friedman LLP, hereby moves this Court before the Honorable John A. Ross, pursuant to Rules 12(b)(6) and 12(b)(2) of the Federal Rules of Civil Procedure, to dismiss the third-party complaint filed on January 23, 2012 (Dkt. No. 76) by third-party plaintiffs

Wachovia Bank, N.A. (n/k/a Wells Fargo Bank, N.A.) and Wachovia Securities, LLC (n/k/a Wells Fargo Advisors, LLC).

In support of this Motion, third-party defendant relies upon the accompanying memorandum of law, the Declaration of Rudolph A. Telscher, Jr., and the exhibits attached thereto.

Dated: March 26, 2012

HARNES DICKY & PIERCE, PLC

By: /s/ Rudolph A. Telscher, Jr.  
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and

KASOWITZ, BENSON, TORRES  
& FRIEDMAN LLP

Mark P. Ressler (*pro hac* pending)  
Michael A. Hanin (*pro hac* pending)  
Henry B. Brownstein (*pro hac* pending)  
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*Attorneys for Third-Party Defendant DEPFA  
BANK plc*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of March, 2012, a copy of the foregoing document was filed electronically. Notice of this filing will be sent via operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/ Rudolph A. Telscher, Jr.